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Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea Jonatan Echebarria Fernández, 2021-03-09 *Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea* focuses on party autonomy and its limitations in relation to jurisdiction and arbitration clauses included in contracts for the carriage of goods by sea in case of any cargo dispute The author takes the perspective of the shipping companies and the shipowners as these are the driving forces of the shipping industry due to their strategic importance The book provides an analysis of the existing law on the recognition and validity of jurisdiction and arbitration clauses in the contracts for the carriage of goods by sea The author also seeks to provide conclusions and to learn lessons for the future of the non recognition and the non enforcement of the clauses in the existing fragmented legal framework at an international European Union and national level England Wales and Spain The interface between the different legal regimes reveals the lack of international harmonisation and the existence of forum shopping when a cargo interest sues the shipowner or the party to whom the shipowner charts the vessel This concise book provides a useful overview of existing research for students scholars and shipping lawyers

The Law Applicable to Cross-border Contracts involving Weaker Parties in EU Private International Law María Campo Comba, 2020-12-07 This book provides answers to the following questions how do traditional principles of private international law relate to the requirements of the internal market for the realisation of the EU s objectives regarding the protection of weaker parties such as consumers and employees When and how should private international law ensure the applicability of EU directives concerning the protection of weaker parties Are the EU s current private international law rules on conflict of laws and private international law approach sufficient to ensure the realisation of its objectives regarding weaker contracting parties or is a different approach to private international law called for The book concludes with several proposed amendments mainly regarding the Rome I Regulation on the law applicable to contractual obligations as well as suggestions on the EU s current approach to private international law This book is primarily intended for an academic audience and to help achieve better regulation in the future It also seeks to dispel certain lingering doubts regarding the current practice of EU private international law

Private International Law in Argentina Adriana Dreyzin de Klor, 2021-02-22 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides ready access to the law applied to cases involving cross border issues in Argentina It offers every lawyer dealing with questions of conflict of laws much needed access to these conflict rules presented clearly and concisely by a local expert Beginning with a general introduction the monograph goes on to discuss the choice of law technique sources of private international law and the relevant connection with other laws Then follows clear description and analysis of the rules of choice of law on natural and legal persons contractual and non contractual obligations movable and immovable property intangible property rights company law family law marriage cohabitation registered partnerships matrimonial property maintenance child law and

succession law including testamentary dispositions The presentation concludes with an overview of relevant civil procedure examining lex fori and issues of national and international jurisdiction acceptability and enforcement of foreign judgements and international arbitration Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for lawyers handling cases in Argentina Academics and researchers as well as judges notaries public marriage registrars youth welfare officers teachers students and local and public authorities will welcome this very useful guide and will appreciate its value in the study of private international law from a comparative perspective

Manual de Derecho Internacional privado ,2015-12-03 El presente Manual ha sido concebido como una herramienta muy b sica para que el estudiante de Grado pueda aprehender la esencia del Derecho internacional privado ello sin menoscabo del rigor cient fico de la actualidad de los materiales manejados y del af n proped utico que siempre deben estar presentes en el quehacer del profesor universitario Se pretende con esta obra en fin ofrecer un instrumento para el estudio de la asignatura Derecho internacional privado adaptado a las exigencias del Espacio Europeo de Educaci n Superior en lo estructural en lo sustancial y en lo pedag gico Se aborda en el Manual una materia que adolece de una complejidad que se incrementa con el continuo desarrollo del tr fico jur dico externo Con el nimo de allanarla se ha estructurado la obra en torno a un doble eje Por una parte se acoge como perspectiva de an lisis el sistema espa ol en la materia Por otra se sigue un iter l gico en el tratamiento de los contenidos que comienza con los aspectos introductorios del Derecho internacional privado prosigue con el Derecho procesal civil internacional contin a con los m todos de reglamentaci n y sus problemas de aplicaci n finalizando con el Derecho civil internacional Pese a la limitaci n f sica de un formato necesariamente marcado por la concisi n se ha querido que el lector de esta obra halle en ella los conceptos esenciales de la asignatura a fin de prepararlo para afrontar con unas garant as m nimas cualquier supuesto de tr fico jur dico externo

The EU Succession Regulation Alfonso-Luis Calvo Caravaca,Angelo Davì,Heinz-Peter Mansel,2016-10-20 The European Succession Regulation is a landmark in the field of EU private international law It unifies the conflicts of laws jurisdiction and recognition of foreign judgments and some other legal instruments in the field of succession and wills This volume provides an article by article commentary on the individual provisions of the Regulation introduced by an overview of its general framework and underlying principles As a reference tool for the Regulation this book is intended to promote a high standard of interpretation and application With contributions from leading scholars in the field it uses a comparative approach in its analysis to enrich the academic debate and highlight the problems likely to arise in the practical application of the Regulation

Private International Law Symeon C. Symeonides,2021-11-08 This book compares the two golden ages of private international law PIL the first is the era of Story and Savigny in the nineteenth century while the second comprises the last fifty years The period between 1970 and 2020 has been one of rapid changes and dense legislative responses exemplified by the adoption of over one hundred national PIL codifications and almost as many international or regional conventions and regulations These instruments

provide a rich source for this book's incisive and instructive comparisons and a fertile ground for a reliable assessment of the progress of PIL as a discipline. This book skillfully uncovers and meticulously documents the gradual and largely unnoticed transition of PIL from the idealism of the nineteenth century to the pragmatic eclecticism and pluralism of the twenty-first century.

Rome Regulations Galf-Peter Calliess, Moritz Renner, 2020-08-10. The law applicable to contractual and non-contractual obligations in cross-border civil and commercial matters in the European Union (EU) is the remit of the so-called Rome I and II Regulations that entered into force in 2009, supplemented by the Rome III Regulation of 2012 dealing specifically with divorce and legal separation. This article-by-article commentary, now updated to its third edition, has become a cornerstone resource in handling European cases involving conflict of laws. The occasion for publishing a third edition is that several landmark judgments on the conflict of laws have been recently rendered both by the Court of Justice of the EU and by domestic courts. Moreover, with Brexit, one of the largest European states will enter into a new form of relationship with the EU, which will specifically impact the conflict of laws. The effects of these major developments are reflected throughout the new edition's extensively revised article-by-article commentary. The commentary, authored by leading scholars of conflict of laws and drawing on a wide spectrum of case law and scholarship, highlights among much else such long-term implications of the Rome Regulations as the following principles of interpretation: limiting the effects of forum shopping; limiting the trade-restricting effects of the fragmentation of national private laws; ensuring the free movement of persons; enhancement of legal certainty and predictability; and potential solutions for an agreement-based Brexit. It provides black-letter law as represented by the jurisprudence of the Court of Justice of the EU and the Member State courts, as well as the latest academic opinion. In the current era of globalization, where communication, transaction, and migration across borders have transformed from exceptional to omnipresent phenomena, the pressing question is no longer if the state has to grant access to justice in international situations, but how that right can be implemented effectively. To this end, renowned conflict of laws scholars analyse every provision of the Regulations in a systematic and thorough manner, making them accessible to a broad international legal audience. The result is an indispensable companion for academics, judges, lawyers, and legal professionals in their day-to-day work.

APROXIMACIONES JURÍDICAS A LA OBSOLESCENCIA PROGRAMADA Jesús Alfonso Soto Pineda, 2017-08-01. El libro que ahora el lector tiene en sus manos es básicamente fruto de la pasión y tesón del Dr. Soto Pineda, quien ha alentado y coordinado a un nutrido grupo de profesores y abogados para que aborden la obsolescencia programada. Y lo hacen cubriendo casi todas sus perspectivas o vertientes jurídicas: la constitucional, la civil, la mercantil, la civil en torno al régimen de los vicios, la de consumo, la antitrust, la internacional y la penal. La pasión y el tesón son los ejes que deben disciplinar el quehacer de todo investigador del ámbito de las Ciencias Naturales o del de las llamadas Ciencias Sociales, incluido el Derecho. La pasión entendida como vivo y real interés es el motor que impele primero a interesarse por un tema y después a ahondar en el mismo. Pero si no hay pasión, ahínco y perseverancia en el estudio, la pasión

no dar ning n fruto No basta querer conocer Para conocer hay que rodearse de los instrumentos precisos Y en el caso del Derecho esos instrumentos son las lecturas stas permiten reflexionar desde los puntos de vista de otros autores Pero tambi n gracias a aqu llas y cuando es menester se dome a la pasi n Al confrontar nuestras intuiciones o preconcepciones con las ideas manifestadas por otros que nos precedieron a veces nos reafirmamos en las mismas pero otras veces somos conducidos a matizarlas o sencillamente a corregirlas La investigaci n jur dica cuando es honesta tiene algo de m gico pues no se deja conducir por el autor sino que lo conduce a l

Boundaries of European Private International Law Jean-Sylvestre Bergé,Stéphanie Francq,Miguel Gardenes Santiago,2015-04-22 European private international law is by now based mainly on a large body of uniform rules such as the Regulations Rome I Rome II Brussels I Brussels I bis This significant legislative output however does not take place in a vacuum Rules of private international law have been earlier and still are adopted at national international and even European level in scattered regulations and directives The recent plethora of private international law rules gives rise to issues of delineation and calls for some sort of ordering as gaps overlaps and contradictions become flagrant At the same time the resulting interactions can offer new insight ideas and even opportunities at a more theoretical level This book gathers a collection of essays resulting out of a series of international seminars held in Lyon Barcelona and Louvain la Neuve During those seminars young researchers selected in an open call for papers had the opportunity to discuss their views among themselves as well as with various specialists of the field such as more senior academics EU civil servants national experts and representatives of other international organisations The book offers the fresh views of those who will in the future shape the dialectic between the various sources of private international law and attempts to launch a discussion on the living together of legal sources Two ranges of topics are addressed in the book firstly the relationship between EU private international law and national law substantial and procedural and or international law international instruments of private international law or of uniform substantive law and secondly the relationship between EU private international law and other aspects of EU law internal market rules of primary law harmonisation through secondary law and other pieces of legislation enacted in the realm of the area of freedom security and justice

Innovation and the Transformation of Consumer Law Dan Wei,James P. Nehf,Claudia Lima Marques,2020-11-27 This book covers technologies that pose new challenges for consumer policy creative developments that can help protect consumers economic interests innovative approaches to addressing perennial consumer concerns and the challenges entailed by emerging ways of creating and delivering consumer products and services In addition it reflects on past successes and failures of consumer law and policy explores opportunities for moving consumer law in a different direction and discusses potential threats to consumer welfare especially in connection with the changing political landscape in many parts of the world Several chapters examine consumer law in individual countries while others have an international focus

Arbitration in Argentina Fabricio Fortese,2020-11-17 This publication is the most comprehensive international book on arbitration in Argentina It provides a

complete description and analysis of the historical and contemporary structure of arbitration law and practice in the country which is based on the UNCITRAL Model Law Its chapters are authored by many of the most regarded Argentine authorities many of whom are responsible for drafting Argentina s current arbitration regulation Throughout its thirty one chapters the book covers an ample number of topics in commercial and investment arbitration and an exhaustive analysis of arbitration in different specific fields energy sports consumers among others Some of the topics addressed in this book include the following regulatory framework of arbitration in Argentina arbitration agreements arbitral proceedings and the applicable law issues of arbitrability interim measures costs and financing of arbitrations validity recognition and enforcement of awards arbitration and the MERCOSUR This publication also includes some particular studies for example those related to the tensions between investment arbitration and human rights as well as the relationship between the country and the ICC and the PCA Although mainly focused in Argentina the discussions contained in several contributions exceed such geographical boundaries Given that the law and practice of arbitration in Argentina has seen remarkable changes in recent decades this book is an essential tool for arbitrators judges in house counsels global law firms large and medium sized companies doing transnational business interested academics and international arbitration centres Because this publication draws from the teachings and experience of leading academics and practitioners arbitration specialists will find in it all the guidance needed to identify and assess the different theoretical and practical legal avenues available when working on arbitrations with a seat in Argentina or with an Argentine element

The European Account Preservation Order

D'Alessandro, Elena, 2022-06-10 This comprehensive Commentary provides article by article exploration of EU Regulation 655/2014 analysing and outlining in a straightforward manner the steps that lawyers businesses and banks can take when involved in debt recovery It offers a detailed discussion of national practice and legislation in order to provide context and a deeper understanding of the complex difficulties surrounding the procedural system created by the European Account

Preservation Order EAPO Regulation Régimen jurídico de las operaciones internacionales de consumo en los servicios turísticos digitales.

David Carrizo Aguado, 2018-09-18 La globalizaci n en la que estamos inmersos ha conllevado a que la distribuci n digital en la esfera tur stica constituya un fen meno de imparable evoluci n y con ello la incorporaci n de nuevas f rmulas de contrataci n facilitando as la actividad transfronteriza entre los diversos operadores jur dicos El turista consumidor que act a a trav s de la Red ve su condici n de debilidad aumentada por las caracter sticas del medio virtual puesto que asume f cilmente el riesgo de adentrarse en un ordenamiento jur dico extranjero que no conoce Desde el mbito ius internacional privatista se pretende ofrecer sendas respuestas encaminadas a eliminar los problemas a los que se enfrenta tal colectivo teniendo en cuenta que la coexistencia de una pluralidad de normas tanto internas como internacionales no deben suponer indefensi n para el turista necesitado de tutela Generalmente en la contrataci n v a Internet cada parte contratante est situada en pa ses diferentes necesit ndose por tanto determinar qu pa s atrae para s la competencia judicial internacional

as como el derecho aplicable a tal situaci n transfronteriza En la UE est n vigentes normas estrictas de protecci n hacia los consumidores sin embargo en la pr ctica se han puesto de manifiesto dificultades para obtener un determinado resarcimiento cuando se produce una violaci n de sus derechos especialmente a nivel internacional De este modo el turista consumidor puede ser concebido como el n cleo central de un entramado de relaciones jur dicas en el campo del Derecho contractual pues en muchas de las ocasiones se ver abrazado por m ltiples incumplimientos llevados a cabo por empresas multinacionales Esta complejidad se acrecienta si tenemos en cuenta que el turista es consumidor cuyas normas esencialmente tuitivas de alguna manera distorsionan el r gimen general con el objeto de brindarle una debida protecci n en este sentido la autonom a de la voluntad y la capacidad de las partes pierden gran parte de su significado original

La tutela cautelar internacional Ana Carolina Machado Ratkiewicz,2022-03-15 La obra de la Dra Ana Carolina Machado Ratkiewicz constituye un riguroso estudio jur dico que se enmarca en el mbito del Derecho Procesal Internacional El estudio culmina con conclusiones originales y propuestas concretas para la modificaci n del Ordenamiento jur dico brasile o con el fin de simplificar el procedimiento interno y favorecer cumplimiento de las medidas cautelares adoptadas en los Estados que conforman el bloque del Mercosur La obra est repleta de reflexiones jur dicas llamadas a mejorar la efectividad de la justicia en los litigios transnacionales cuya soluci n precisa de una gil cooperaci n judicial internacional en dicho mbito regional favoreciendo as el proceso de integraci n Del Pr logo de Mar a Elena Zabalo Escudero Catedr tica de Derecho Internacional Privado de la UNIZAR Para que el lector pueda situarse en la importancia del tema conviene que ponga sus ojos en la realidad actual El contexto de la globalizaci n es el caldo de cultivo del crecimiento exponencial de la litigaci n internacional Ante este fen meno la cooperaci n entre los pa ses se torna esencial en especial la cooperaci n jur dica cautelar en el Mercosur con un atractivo a adido la perspectiva desde el ordenamiento jur dico brasile o del cual la autora es experta De la Presentaci n de Pilar Diago Diago Catedr tica de Derecho Internacional Privado de la UNIZAR

The Future of Contract Law in Latin America Rodrigo Momberg,Stefan Vogenauer,2017-09-21 This book presents analyses and evaluates the Principles of Latin American Contract Law PLACL a recent set of provisions aiming at the harmonisation of contract law at a regional level As such the PLACL are the most recent exponent of the many proposals for transnational sets of principles of contract law that were drafted or published over the past 20 years either at the global or the regional level These include the UNIDROIT Principles of International Commercial Contracts the Principles of European Contract Law the European Draft Common Frame of Reference and the Principles of Asian Contract Law The PLACL are the product of a working group comprising legal academics from Argentina Brazil Colombia Chile Paraguay Uruguay and Venezuela The 111 articles of the instrument deal with problems of general contract law such as formation interpretation and performance of contracts as well as remedies for breach The book aims to introduce the PLACL to an international audience by putting them in their historical and comparative context including other transnational harmonisation measures and initiatives The contributions are

authored by drafters of the PLACL and contract law experts from Europe and Latin America *Approximative Justice and Cross-Border Evidence in the EU* Anna G. Waldenström, 2025-03-25 This book confronts the difficulties raised by cross border evidence in order to propose a new understanding of justice as approximative Can there be any common sense of justice across the European Union EU This book takes up this question which is raised directly in cases where the understanding of cross border evidence encounters national and linguistic differences The interpretive challenges this introduces impact the possibility of justice in a way that the book argues cannot be resolved with recourse to some ideal of harmonization that would simply flatten these differences Rather these cases taken here from Sweden and France raise a practical but also a theoretical question about how justice can be done In response the book draws on contemporary theorizations of justice to argue against a common sense of justice in the sense of what would be a correct legal judgment In its place the book elaborates an idea of justice that maintains rather than collapsing the differences presented in cases of cross border evidence and which therefore aims to be approximative or good enough rather than simply correct This book will be of interest to readers in legal theory socio legal studies comparative law and European Union law *Collected Courses of the Xiamen Academy of International Law, Volume 11 (2017)* Chia-Jui Cheng, 2018-01-22 The first essay of this volume is written by Hans van Loon who was the Secretary General of The Hague Conference of Private International Law HCCH from 30 June 1996 to 30 June 2013 and who steered the Conference during a time of global expansion and transformation He has been a forerunner in the formulation of modern private international law through multilateral treaties and was involved in the development of nine Hague Conventions as well as the revision of the Statute of the Hague Conference The continued relevance of the Hague Conference in the 21st century is in large part due to his commitment to the field of private international law and his awareness of its role in a broader social context In recent years private international law has become intertwined with public international law Van Loon s essay on *At the Cross Roads of Public and Private International Law* The Hague Conference on Private International and its Work evidences that the system of modern international law is inseparable from private international law One of the most highly qualified figures in international marine environment law is Prof Bimal N Patel Director and Professor of Public International Law Gujarat National Law University in India The protection and preservation of the marine environment has been the subject of global and regional cooperation within the framework of the 1982 United Nations Convention on the Law of the Sea UNCLOS and other multilateral treaties thereof Prof Patel s essay on *Marine Environment Law and Practice of China India Japan and Korea* provides a timely study of the material sources of international marine environmental law Prof Ernst Ulrich Petersmann has been a pioneer in formulating the material part of international economic law in each of its developmental stage His essays display remarkable intellectual vitality illustrating his new initiatives in the subject of international economic law He was first invited to lecture at the Xiamen summer programme in 2006 on *New Dimensions of International Economic Law* and he was again invited to deliver a

lecture on Methodological Problems in International Trade Investment and Health Law and Adjudication at the commemoration of the tenth anniversary of the establishment of Xiamen Academy in 2015 With his practical experience with the World Trade Organization WTO and teaching and research at the European University Institute in Florence Prof Petersmann has not only promoted and illuminated public international economic law he is also one of a group of highly qualified scholars who have been writing and collaborating with others in order to lay the foundation of modern international economic law

Yearbook of International Organizations 2014-2015 (Volume 2) Union Of International Associations, Union of International Associations, 2014-07-16 The Yearbook of International Organizations provides the most extensive coverage of non profit international organizations currently available Detailed profiles of international non governmental and intergovernmental organizations IGO collected and documented by the Union of International Associations can be found here In addition to the history aims and activities of international organizations with their events publications and contact details the volumes of the Yearbook include networks between associations biographies of key people involved and extensive statistical data Volume 2 allows users to locate organizations by the country in which secretariats or members are located

General Principles of European Private International Law Stefan Leible, 2016-02-22 European private international law as it stands in the Rome I II and III Regulations and the recent Succession Regulation presents manifold risks of diverging judgments despite seemingly harmonised conflict of law rules There is now a real danger in light of the rapid increase in the number of legal instruments of the European Union on conflict of laws that European private international law will become incoherent This collection of essays by twenty noted scholars in the field sheds clear light on the pivotal issues of whether a set of overarching rules a general part is required whether an EU regulation is the adequate legal instrument for such a purpose which general questions such an instrument should address and what solutions such an instrument should provide In analysing the possible emergence of general principles in European private international law over the past years the contributors discuss such issues and factors as the following the relationship between conflict of laws and recognition the room for party autonomy the concept of habitual residence adaptation when interplay between different laws leads to deadlock public policy exceptions the desirability of a general escape clause the classic topics of characterisation incidental question and renvoi and right to appeal in case of errors in the application of foreign law Practitioners dealing with these notoriously difficult cases will welcome this in depth treatment of the issues as will interested policymakers throughout the EU Member States and at the EU level itself Scholars will discover an incomparable comparative analysis leading to expert recommendations in European private international law opening the way to an effective European framework in this area

Jurisdiction and Cross-Border Collective Redress Alexia Pato, 2019-07-11 In recent decades the rise in cross border law violations has harmed numerous victims around the globe The damages are often dispersed and low level As a result the private enforcement gap has deepened and collective redress represents an

interesting procedural instrument that is able to provide effective access to justice This book analyses thoroughly the dominant collective redress models adopted in the EU Data from 13 Member States has been catalogued and categorised The research mainly focuses on the consumer law field but frequent references to financial and data protection related cases are made The dominant collective redress models are then studied from a private international law perspective In particular the book highlights the current mismatch between collective redress on the one hand and rules on international jurisdiction on the other Additionally it notes that barriers to cross border litigation remain significant for victims and their representatives The unprecedented empirical study included in this book confirms that statement Observing that EU measures have not satisfactorily lowered those barriers the author proposes the creation of a new head of jurisdiction for cases of international collective redress This book will be of interest to private international law scholars researchers students legal practitioners judges and policy makers It is a reference point for those with an interest in cross border collective redress in particular and private international law in general

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